

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC., BEDFORD,
FREEMAN & WORTH PUBLISHING GROUP, LLC
d/b/a MACMILLAN LEARNING, MCGRAW HILL
LLC, and PEARSON EDUCATION, INC.,

Plaintiffs,

v.

DOES 1 – 50 d/b/a Library Genesis, bookwarrior,
cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun,
libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm,
libgen.rocks, libgen.rs, libgen.space, libgen.st,
libgen.su, library.lol, and llhlf.com,

Defendants.

Civil Action No. 23-cv-08136-CM

**[PROPOSED] ORDER
GRANTING PLAINTIFFS’
MOTION TO SERVE
DEFENDANTS BY EMAIL**

Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, McGraw Hill LLC, and Pearson Education, Inc. (collectively, “Plaintiffs”) have moved for an Order permitting them to serve Defendants Does 1 – 50 d/b/a Library Genesis, bookwarrior, cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun, libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm, libgen.rocks libgen.rs, libgen.space, libgen.st, libgen.su, library.lol, and llhlf.com (collectively, “Defendants”) by email, which includes the specific types of electronic messaging described in Plaintiffs’ Motion. Plaintiffs so move the Court on the basis that: (1) Defendants have concealed their identities and locations, including by using pseudonyms, relying on proxy services that conceal website operators’ identifying information, and failing to provide names or addresses as contact information on or in connection with the Sites; (2) despite Plaintiffs’ efforts to determine Defendants’ locations, which are detailed in their papers supporting the Motion, such locations remain unknown to Plaintiffs, making traditional methods of service

impracticable; (3) Defendants can be contacted and served with the Complaint and Summons, as well as the other papers required to be served in this action, by sending the papers by email as detailed in Plaintiffs' papers supporting the Motion, including Exhibit 1 to the Declaration of Dan Seymour ("Seymour Declaration"); (4) Plaintiffs have already successfully sent email to Defendants through such means; and (5) such alternative service is appropriate under Federal Rule of Civil Procedure 4(f)(3), or, if any Defendants are located in the United States, N.Y. C.P.L.R. § 308(5), and comports with due process.

Having reviewed the Complaint, the Motion, the Memorandum of Law, the supporting declarations, and the entire record herein, the Court hereby GRANTS Plaintiffs' Motion.

IT IS HEREBY ORDERED that:

1. Plaintiffs shall serve Defendants with the Complaint and Summons and the other papers required to be served in this action by the alternative means set forth in Exhibit 1 to the Seymour Declaration filed in support of the Motion.
2. To the extent that Plaintiffs determine means to email Defendants in addition to those set forth in Exhibit 1 to the Seymour Declaration, Plaintiffs may also serve Defendants via such additional means.
3. Upon serving Defendants as ordered herein, Plaintiffs shall promptly file proof of such service with the Court.

SO ORDERED this ___ day of October, 2023.

Colleen McMahon, United States District
Judge for the Southern District of New York